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9  
10 **UNITED STATES BANKRUPTCY COURT**  
11 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

12 In re:

13 The Litigation Practice Group P.C.,  
14 Debtor.

Case No. 8:23-bk-10571-SC

CHAPTER 11

**NOTICE OF MOTION AND MOTION BY  
CHAPTER 11 TRUSTEE TO FILE  
EXHIBIT "A" TO THE MOTION FOR  
ORDER REJECTING CONSUMER  
CONTRACTS UNDER SEAL;  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

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18 Date: [No Hearing Required]  
19 Time: [No Hearing Required]  
20 Location: [No Hearing Required]  
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1 **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY**  
2 **JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND OTHER PARTIES**  
3 **IN INTEREST:**

4 **NOTICE IS HEREBY GIVEN** that, on December 13, 2023, Richard A. Marshack, the  
5 Chapter 11 Trustee (the “Trustee”) for the bankruptcy estate of The Litigation Practice Group P.C.,  
6 (the “Debtor”) in the above-captioned bankruptcy case (the “Case”), filed with this Court this *Notice*  
7 *of Motion and Motion by Chapter 11 Trustee to File Exhibit “A” to the Motion for Order Rejecting*  
8 *Consumer Contracts Under Seal* (the “Motion”). The Motion is made pursuant to 11 U.S.C. Section  
9 107 and L.B.R. 5003(c)(1). Specifically, the Trustee seeks an order providing that:

10 1. Trustee is authorized to file Exhibit “A” to the Motion for Order Rejecting Consumer  
11 Contracts under seal (the “Rejection Motion”).

12 2 Exhibit “A” to the Rejection Motion will remain under seal by the Court indefinitely,  
13 and will only be available to the Court, the United States Trustee, bankruptcy administrator, trustee,  
14 and any auditor serving under section 586(f) of title 28, as set forth in 11 U.S.C. section 107 (c)(3).

15 **PLEASE TAKE FURTHER NOTICE that pursuant to L.B.R. 9013-1(p) the Court**  
16 **may grant this Motion without a hearing.**

17  
18 Dated: December 13, 2023.

Respectfully submitted,

19 DINSMORE & SHOHL LLP

20 By: /s/ Yosina M. Lissebeck  
21 Yosina M. Lissebeck, Esq.  
22 Counsel to Richard A. Marshack, Chapter 11  
23 Trustee  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **INTRODUCTION**

4 This proceeding arises in the bankruptcy case *In re The Litigation Practice Group, P.C.*,  
5 Case No. 8:23-bk-10571-SC (the “Case”), which was commenced on March 20, 2023 (“Petition  
6 Date”), when debtor The Litigation Practice Group, P.C. (“Debtor”) filed a voluntary petition  
7 under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the United  
8 States Bankruptcy Court for the Central District of California (the “Court”).

9 RICHARD A. MARSHACK, the Chapter 11 Trustee (“Trustee”) in the above-referenced  
10 bankruptcy case brings this Motion to file under seal Exhibit “A” to the Motion for Order Rejecting  
11 Consumer Contracts, because of the sensitive nature of this matter and upon consultation with the  
12 Buyer and the Court-Appointed Monitor, Nancy Rapoport [Dkt. 363]. The parties Exhibit “A” to  
13 the Rejection Motion contains the names for each of the Debtor’s consumer clients whose contracts  
14 will be rejected pursuant to the provisions set forth in the Asset Purchase Agreement entered into  
15 pursuant to the Court’s Order (A) Approving Sale of Assets Free and Clear of All Liens, Claims,  
16 Encumbrances and Interests Pursuant to 11 USC § 363(b), (B) Approving Assumption and  
17 Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related  
18 Relief [Dkt. No. 352] (the “Sale Order”),

19 **II.**

20 **11 U.S.C. § 107 AND LBR 5003(C)(1) AUTHORIZE SEALING EXHIBIT “A”**

21 Local Bankruptcy Rules state the following related to applications for filing documents  
22 under seal:

23 5003(c)(1). Filing Under Seal. Subject to 11 U.S.C. § 107, a  
24 document may not be filed under seal without a prior written order of  
25 the court. If a filing under seal is requested, a written motion  
26 requesting such relief and a proposed order must be presented to the  
27 judge in the manner set forth in The Central Guide.

27 The Central Guide states the following related to application for filing documents under  
28 seal:

1 5003-2(c): Confidential Documents: Court Permission to File Under  
2 Seal. No documents may be presented to the Court for filing under  
3 seal unless and until the court has granted a motion authorizing the  
4 filing of such documents under seal. All motions for authority to file  
documents under seal must be filed electronically, if the filer is an  
attorney.

5 1. The motion should include as exhibits, or in a separate  
6 appendix also filed electronically, the documents that the movant  
7 seeks to file under seal with the confidential portions redacted;  
8 provided, however, that, if the documents are voluminous, the motion  
may be accompanied by a declaration under penalty of perjury to this  
effect and a schedule of the documents that movant seeks to file under  
seal.

9 2. The motion must describe the nature of the information  
10 that the party asserts is confidential (without disclosing the  
11 confidential information) and explain why the information should not  
be publicly disclosed.

12 3. If and when the court grants the motion for authority  
13 to file documents under seal, unredacted versions of the documents,  
14 together with an entered copy of the order authorizing the sealed  
filing, should be presented for filing under seal in the manner directed  
by the court in its order authorizing the filing under seal.

15 11 U.S.C. Section 107 states:

16 (c)

17 (1) The bankruptcy court, for cause, may protect an  
18 individual, with respect to the following types of information to the  
19 extent the court finds that disclosure of such information would create  
20 an undue risk of identity theft or other unlawful injury to the  
individual or the individual's property:

21 (A) Any means of identification (as defined in  
22 section 1028(d) of title 18) contained in a paper filed, or to be filed, in  
a case under this title.

23 18 U.S.C. Section 1028(d) states:

24 (7) The term "means of identification" means any name or  
25 number that may be used, alone or in conjunction with any other  
26 information, to identify a specific individual, including any –

27 (A) name, social security number, date of birth ...

28 ///

1 In this case, the Trustee completed a sale of the Debtor's law firm business to Buyer. The  
2 Sale closed on August 4, 2023. As part of the Court's Sale Order, the Buyer was required to issue  
3 a notice compliant with the California Rules of Professional Conduct governing the sale of a law  
4 firm and provide all former customers of the Debtor with a 90-day notice to opt-out of the Sale  
5 (the "90-day Notice"). Pursuant to the 90-day Notice, former clients of the Debtor had three  
6 options: (i) indicate their decision to opt out of the Sale within 90-days of issuance of the 90-day  
7 Notice; (ii) affirmatively consent to the Sale by signing a new legal service agreement with Buyer;  
8 or (iii) take no action within 90-days of issuance of the 90-day Notice, in which case they would  
9 be included in the Sale. Further, the Trustee and Buyer entered into an Asset Purchase Agreement  
10 wherein Buyer may elect to exclude or remove certain consumer contracts therein. Finally,  
11 pursuant to the interim operating agreement with MLG, it had to represent each consumer until the  
12 time had expired pursuant to the APA and it had an Order rejecting certain contracts. The  
13 Rejection Motion will more adequately explain the criteria for rejection, as well as the procedure  
14 that was approved by the Court Monitor, for rejecting these contracts.

15 To that end, Trustee intends to file a Motion for Order Rejecting Consumer Contracts to  
16 provide proper notice to the affected parties. Here, the names of the consumer clients are a "means  
17 of identification" within the meaning of 18 U.S.C. § 1028(d)(7)(A). As such, it is a proper subject  
18 for a motion to seal pursuant to 11 U.S.C. § 107(c)(1)(A).

19 Exhibit "A" to the Rejection Declaration contains the names of over 19,000 individuals,  
20 is voluminous, and would be impossible to redact without substantial and unnecessary attorney or  
21 professional time. Moreover, as it is simply a list of names and categorization of "Opted Out" or  
22 "Excluded/Removed", a redacted version would simply consist of a list of categorizations and is  
23 unlikely to be of any assistance to this Court. Accordingly, the Declaration of Yosina M. Lissebeck  
24 is being submitted concurrently herewith pursuant to Section 5003-2(c) of The Central Guide.

25 Trustee has requested accommodation of the hearing pursuant to Section 9075-1(a) of The  
26 Central Guide.

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28 ///

1 III.

2 **THE MOTION TO SEAL EXHIBIT “A” SHOULD BE GRANTED**

3 WHEREFORE, the Trustee seeks an order from the Court to permit the Trustee to file the  
4 Exhibit “A” to the Declaration of Richard A. Marshack in Support of Motion for Order Rejecting  
5 Consumer Contracts under seal. The Declaration itself will be filed regularly on the Docket.

6  
7 Dated: December 13, 2023

Respectfully submitted,

8 DINSMORE & SHOHL LLP

9  
10 By: /s/ Yosina M. Lissebeck  
11 Yosina M. Lissebeck, Esq.  
12 Special Counsel to Richard A. Marshack, Chapter 11  
13 Trustee  
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled **NOTICE OF MOTION AND MOTION BY CHAPTER 11 TRUSTEE TO FILE EXHIBIT "A" TO THE MOTION FOR ORDER REJECTING CONSUMER CONTRACTS UNDER SEAL; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On December 13, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On December 13, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on December 13, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**JUDGE'S COPY - VIA PERSONAL DELIVERY**

The Honorable Scott C. Clarkson  
United States Bankruptcy Court  
Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5130 / Courtroom 5C  
Santa Ana, CA 92701-4593

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 13, 2023  
Date

Caron Burke  
Printed Name

/s/ Caron Burke  
Signature

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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Kenneth Miskin on behalf of U.S. Trustee United States Trustee (SA)

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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